

111TH CONGRESS  
1ST SESSION

# H. R. 2258

To adjust the immigration status of certain Liberian nationals who were provided refuge in the United States.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2009

Mr. KENNEDY (for himself, Mr. ELLISON, and Mr. MCMAHON) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To adjust the immigration status of certain Liberian nationals who were provided refuge in the United States.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Liberian Refugee Im-  
5       migration Protection Act of 2009”.

6       **SEC. 2. ADJUSTMENT OF STATUS OF CERTAIN LIBERIAN**  
7       **NATIONALS.**

8       (a) ADJUSTMENT OF STATUS.—

9               (1) IN GENERAL.—Notwithstanding section  
10       245(c) of the Immigration and Nationality Act, the

1 status of any alien described in subsection (b) shall  
2 be adjusted by the Secretary of Homeland Security  
3 to that of an alien lawfully admitted for permanent  
4 residence, if the alien—

5 (A) applies for such adjustment before  
6 April 1, 2011; and

7 (B) is otherwise eligible to receive an im-  
8 migrant visa and is otherwise admissible to the  
9 United States for permanent residence, except  
10 in determining such admissibility the grounds  
11 for inadmissibility specified in paragraphs (4),  
12 (5), (6)(A), and (7)(A) of section 212(a) of the  
13 Immigration and Nationality Act shall not  
14 apply.

15 (2) RELATIONSHIP OF APPLICATION TO CER-  
16 TAIN ORDERS.—An alien present in the United  
17 States who has been ordered excluded, deported, re-  
18 moved, or ordered to depart voluntarily from the  
19 United States under any provision of the Immigra-  
20 tion and Nationality Act may, notwithstanding such  
21 order, apply for adjustment of status under para-  
22 graph (1). Such an alien may not be required, as a  
23 condition on submitting or granting such applica-  
24 tion, to file a motion to reopen, reconsider, or vacate  
25 such order. If the Secretary of Homeland Security

1 grants the application, the Secretary of Homeland  
2 Security shall cancel the order. If the Secretary of  
3 Homeland Security renders a final administrative  
4 decision to deny the application, the order shall be  
5 effective and enforceable to the same extent as if the  
6 application had not been made.

7 (b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STA-  
8 TUS.—The benefits provided by subsection (a) shall apply  
9 to any alien who—

10 (1) is a national of Liberia; and

11 (2)(A) who was granted temporary protected  
12 status on or after March 27, 1991; or

13 (B) was eligible to apply for temporary pro-  
14 tected status on or after March 27, 1991.

15 (c) STAY OF REMOVAL.—

16 (1) IN GENERAL.—The Secretary of Homeland  
17 Security shall provide by regulation for an alien sub-  
18 ject to a final order of deportation or removal or ex-  
19 clusion to seek a stay of such order based on the fil-  
20 ing of an application under subsection (a).

21 (2) DURING CERTAIN PROCEEDINGS.—Notwith-  
22 standing any provision of the Immigration and Na-  
23 tionality Act, the Secretary of Homeland Security  
24 shall not order any alien to be removed from the  
25 United States, if the alien is in exclusion, deporta-

tion, or removal proceedings under any provision of such Act and raises as a defense to such an order the eligibility of the alien to apply for adjustment of status under subsection (a), except where the Secretary of Homeland Security has rendered a final administrative determination to deny the application.

(3) WORK AUTHORIZATION.—The Secretary of Homeland Security may authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application and may provide the alien with an “employment authorized” endorsement or other appropriate document signifying authorization of employment, except that if such application is pending for a period exceeding 180 days, and has not been denied, the Secretary of Homeland Security shall authorize such employment.

(d) ADJUSTMENT OF STATUS FOR SPOUSES AND CHILDREN.—

(1) IN GENERAL.—Notwithstanding section 245(c) of the Immigration and Nationality Act, the status of an alien shall be adjusted by the Secretary of Homeland Security to that of an alien lawfully admitted for permanent residence, if—

(A) the alien is a national of Liberia;

1 (B) the alien is the spouse, child, or un-  
2 married son or daughter, of an alien whose sta-  
3 tus is adjusted to that of an alien lawfully ad-  
4 mitted for permanent residence under sub-  
5 section (a), except that in the case of such an  
6 unmarried son or daughter, the son or daughter  
7 shall be required to establish that they have  
8 been physically present in the United States for  
9 at least 1 year and is physically present in the  
10 United States on the date the application for  
11 such adjustment is filed;

12 (C) the alien applies for such adjustment  
13 and is physically present in the United States  
14 on the date the application is filed; and

15 (D) the alien is otherwise eligible to receive  
16 an immigration visa and is otherwise admissible  
17 to the United States for permanent residence,  
18 except in determining such admissibility the  
19 grounds for exclusion specified in paragraphs  
20 (4), (5), (6)(A), and (7)(A) of section 212(a) of  
21 the Immigration and Nationality Act shall not  
22 apply.

23 (2) PROOF OF CONTINUOUS PRESENCE.—For  
24 purposes of establishing the period of continuous  
25 physical presence referred to in paragraph (1)(B),

1 an alien shall not be considered to have failed to  
2 maintain continuous physical presence by reason of  
3 an absence, or absences, from the United States for  
4 any periods in aggregate not exceeding 180 days.

5 (e) AVAILABILITY OF ADMINISTRATIVE REVIEW.—  
6 The Secretary of Homeland Security shall provide to ap-  
7 plicants for adjustment of status under subsection (a) the  
8 same right to, and procedures for, administrative review  
9 as are provided to—

10 (1) applicants for adjustment of status under  
11 section 245 of the Immigration and Nationality Act;  
12 or

13 (2) aliens subject to removal proceedings under  
14 section 240 of such Act.

15 (f) LIMITATION ON JUDICIAL REVIEW.—A deter-  
16 mination by the Secretary of Homeland Security as to  
17 whether the status of any alien should be adjusted under  
18 this section is final and shall not be subject to review by  
19 any court.

20 (g) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—  
21 When an alien is granted the status of having been law-  
22 fully admitted for permanent residence pursuant to this  
23 section, the Secretary of State shall not be required to re-  
24 duce the number of immigrant visas authorized to be

1 issued under any provision of the Immigration and Na-  
2 tionality Act.

3 (h) APPLICATION OF IMMIGRATION AND NATION-  
4 ALITY ACT PROVISIONS.—Except as otherwise specifically  
5 provided in this Act, the definitions contained in the Immi-  
6 gration and Nationality Act shall apply in the administra-  
7 tion of this section. Nothing contained in this Act shall  
8 be held to repeal, amend, alter, modify, effect, or restrict  
9 the powers, duties, functions, or authority of the Secretary  
10 of Homeland Security in the administration and enforce-  
11 ment of such Act or any other law relating to immigration,  
12 nationality, or naturalization. The fact that an alien may  
13 be eligible to be granted the status of having been lawfully  
14 admitted for permanent residence under this section shall  
15 not preclude the alien from seeking such status under any  
16 other provision of law for which the alien may be eligible.

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